

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

**FILED**

JUL 10 2007

LINDA L. KITZMILLER and  
RICHARD C. KITZMILLER, her husband,

U.S. DISTRICT COURT  
CLARKSBURG, WV 26301

Plaintiffs,

v.

Case No 2:05-CV-22  
(The Honorable Robert E. Maxwell)

JEFFERSON SUPPLY COMPANY,

Defendant.

**ORDER/OPINION**

On the 8th day of July, 2007, Defendant filed a "Motion to Strike" the records and documents from Fabio Di Stefano (Attachment 3) to Document 253, which was filed by Plaintiffs on May 24, 2007, due to their being "irrelevant and immaterial to the captioned matter" (Docket Entry 254). Plaintiffs' response to this motion was due on or before the 25th day of June, 2007. No reply was filed by Plaintiffs.

In consideration of the above, the Court, hereby **GRANTS** Defendant's Motion to Strike. It is **ORDERED** that the records and documents of Fabio Di Stefano (Attachment 3) to Document 253 be stricken from the record.

The Clerk of the Court is directed to send a copy of this Order to counsel of record.

DATED: July 10, 2007.

  
JOHN S. KAULL  
UNITED STATES MAGISTRATE JUDGE